

REMARKS

The claims have not been amended herein. Further, this Amendment places the application in a condition for allowance.

Accordingly, this Amendment is entitled to entry pursuant to 37 C.F.R. §1.116.

The provisional rejection of Claims 1-30 under the judicially created doctrine of obviousness-type double patenting is obviated by the three Terminal Disclaimers co-filed herewith.

Claims 1-30 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-74 of copending Application No. 09/709,505, claims 1-74 of copending Application No. 09/709,506, and claims 1-51 of copending Application No. 09/736,223.

As set forth by the Examiner at page 2 of the Office Action:

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application.

To expedite prosecution, co-filed herewith are:

- 1) Three Terminal Disclaimers to obviate the provisional double patenting rejection over pending "Reference" Application Nos. 09/709,505, 09/709,506 and 09/736,223; and
- 2) Statement under 37 CFR 3.73(b).

Thus, the provisional rejection of Claims 1-30 under the judicially created doctrine of obviousness-type double patenting is obviated,

For the above reason, Applicants respectfully request reconsideration and withdrawal of this rejection.

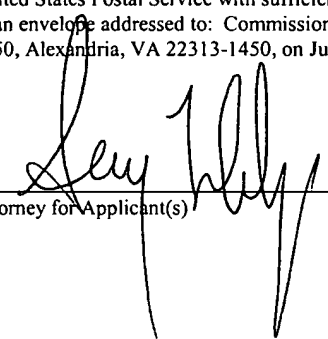
Appl. No. 09/852,011
Amdt. dated July 8, 2005
Reply to Office Action of April 27, 2005

Conclusion

Claims 1-30 are pending in the application. For the foregoing reasons, Applicants respectfully request allowance of all pending claims. If the Examiner has any questions relating to the above, the Examiner is respectfully requested to telephone the undersigned Attorney for Applicant(s).

CERTIFICATE OF MAILING

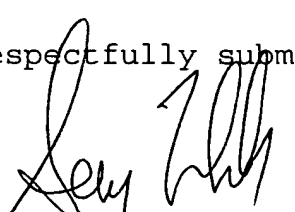
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on July 8, 2005.



Attorney for Applicant(s)

July 8, 2005
Date of Signature

Respectfully submitted,


Serge J. Hodgson
Attorney for Applicant(s)
Reg. No. 40,017
Tel.: (831) 655-0880